

**DELEGATION OF AUTHORITY
TOXIC SUBSTANCES CONTROL ACT**

Management of Polychlorinated Biphenyls (PCBs)

1. **AUTHORITY.** To perform the EPA functions and responsibilities pursuant to section 6(e) of the Toxic Substances Control Act (TSCA) and regulations codified in 40 CFR part 750 and part 761, including the following authorities:
 - a. To approve or disapprove a self-implementing cleanup of, or changes to an approved cleanup of, PCB remediation waste;
 - b. To grant, deny, and revoke TSCA PCB Coordinated Approvals;
 - c. To grant an application for a variance from the performance criteria applicable to a boiler that burns used oil;
 - d. To approve requests to collect a surface sample from a natural gas pipe segment or pipeline section where the surface area is $<100 \text{ cm}^2$;
 - e. To waive notification of commencement of research and development for disposal activity or of self-implementing cleanup of PCB remediation waste;
 - f. To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - g. To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present unreasonable risk of injury to health or environment;
 - h. To request or require information or data on the nature, location, and extent of PCB contamination;
 - i. To extend the limits on volume, concentration, or duration for PCB disposal activities and to extend the time limits for complying with PCB regulations where the regulation specifically authorizes such extensions;
 - j. To approve changes in ownership or operational control of a commercial storage facility;
 - k. To approve or deny permit applications to operate PCB storage or disposal facilities; and
 - l. To approve, approve modifications to, or to release owners or operators from closure plans for commercial storage facilities
2. **TO WHOM REDELEGATED.**
 - a. The authorities in 1.a., 1.d., 1.e., 1.h., 1.i., 1.j., and 1.l. are delegated through the Director, Land, Chemical, and Redevelopment Division, or equivalent, and through the Branch Chief, RCRA and Tanks Branch, or equivalent, to the Section Chief, RCRA Corrective Action, Permitting, and PCB Section, or equivalent.
 - b. The authorities in 1.b., 1.c., 1.f., 1.g., and 1.k. are redelegated to the Director, Land, Chemical, and Redevelopment Division, or equivalent.
3. **LIMITATIONS.**
 - a. Regional Officials may only exercise these authorities in regard to facilities which will operate or activities which will take place in Region 10.

- b. The clearance or approval of the form, text, and legal sufficiency of each legally operative document issued under this redelegation must be obtained from the Office of Regional Counsel before signing and issuing the document.

4. REDELEGATION AUTHORITY.

- a. The authorities in 1.a., 1.d., 1.e., 1.h., 1.i., 1.j., and 1.l. may be redelegated to the section chief level, or equivalent, and no further.
- b. The authorities in 1.b., 1.c., 1.f., 1.g., and 1.k. may be redelegated to the branch chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelgated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. SUPERSESSION. This delegation supersedes R10 12-5 (06/26/2017) and any other delegation of the same authority.

6. ADDITIONAL REFERENCES.

- a. For the purpose of this delegation, all terms, such as "disposal," have the meaning given to them under TSCA. Specifically, any definitions in 40 CFR § 761.3 apply.
- b. "Solely related to use" includes activities solely related to use, as well as those solely related to: storage for use or reuse, manufacture, processing related to manufacture and use, and distribution in commerce related to use or processing for use.
- c. "Solely related to disposal" includes activities solely related to disposal, as well as those solely related to: cleanup, storage for disposal, processing related to disposal, distribution in commerce related to disposal or processing for disposal, and decontamination.
- d. A memorandum from the two Assistant Administrators to their staffs may specify how administration of the PCB program will be managed, including identifying the responsible office for each regulatory provision and clarifying procedures for handling areas of joint and overlapping authority ("Joint Memo"). The Joint Memo and any subsequent mutually agreed upon modifications or memoranda should be consulted where more detail than provided in this delegation is needed. From time to time, the offices may find it necessary to update or amend the Joint Memo.
- e. TSCA PCB compliance monitoring and enforcement activities are overseen by the Office of Enforcement and Compliance Assurance (OECA). See EPA Delegations 12-1 through 12-3, 12-9, and 12-24.
- f. TSCA grants and cooperative agreement related activities are governed by EPA Delegations 12-9 and 12-22.
- g. EPA Delegation 12-5.

APR 15 2019

Date



Chris Hladick
Regional Administrator